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Text of Senate Panel's Conclusion on the Billy Carter Affair

Following is the statement of conclusions issued yesterday by the Senate Judiciary subcommittee investigating the relationship of Billy Carter with the government of Libya and the handling of that relationship by the Carter administration.

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The \$220,000 Payments

As events showed, Billy Carter's telephonic communications concerning proposed transactions involving Libya from which he would receive economic benefits increased dramatically immediately after the November 27, 1979, meeting and continued at a relatively high level. On December 27, 1979, the Libyan government paid him \$20,000. On April 7, 1980, he received another \$200,000. The Libyan government appears to have held out the promise of an increased oil allotment well beyond that date.

Whether there was in fact a relationship between these events and Billy Carter's involvement in the hostage situation is a question that perhaps only the Libyan officials could answer. The appearance of a relationship that arises from the circumstances is, however, unfortunate.

When (CIA director) Admiral (Stansfield) Turner decided to furnish the intelligence report received by him in March, 1980, only to Dr. Brzezinski with the request that it be shown to the president, he denied another intelligence element missing portions of the information, which were unknown to it and which it had requested. He thus decided that the information had no utility for intelligence purposes. In so doing he did not consult with the other intelligence element, which had called for the missing portions but had not received them; he thus preempted the professional judgment of the other element that the information combined with the missing portions might have an intelligence use and indeed may have been referred to the FBI.

Admiral Turner also decided not to refer the information to the attorney general based on his view that the information was not useful for law enforcement purposes. Admiral Turner made these decisions without calling for other information that might have been available within the intelligence community, and in fact was available. That information might well have had a material bearing on both decisions.

Dr. Brzezinski testified that after receiving the intelligence information from Admiral Turner on March 31, 1980, he spoke to Billy Carter by telephone and then reported both the information and the telephone conversation to the president. The president's recollection is also that Dr. Brzezinski told him in a single conversation of both the information and the telephone conversation. If these recollections are accurate, then Dr. Brzezinski (a) took it upon himself, without consulting the president, to do an act outside his normal functions as national security adviser that should have been done, if at all, only with the authority of the president, and (b) kept to himself significant information about the president's brother for nearly two days, during which time he had met alone with the president at least once on an occasion when Dr. Brzezinski's handwritten note shows he intended to discuss it.

Compromising Sources

The subcommittee concludes that communicating a portion of the intelligence information to Billy Carter, the subject of the information, carried with it a significant risk that sources could have been compromised. It was Dr. Brzezinski's belief that he was not compromising the sources. It will be recalled that Attorney General Civiletti determined that the same intelligence information, and another item of intelligence information as well, were so sensitive that he should not communicate any portion of the information to his most trusted subordinates, who had the requisite clearance for receiving classified information.

Communicating the information to Billy Carter also involved the risk that he would take measures to make his activities more difficult for FARA investigators to discover and, in the event of a civil or criminal action, more difficult for the government to prove.

It is to be noted that within two weeks after receiving Dr. Brzezinski's admonition, Billy Carter accepted \$200,000 from the Libyan government.

The subcommittee reaches no conclusion as to whether, once having communicated the information to Billy Carter and admonished him to desist, and he having rejected the admonition, the president or Dr. Brzezinski should have made further efforts to dissuade Billy from the oil enterprise.

The subcommittee questions the judgment of the attorney general in withholding the substance of the intelligence information contained in the two items received by him in April, 1980, from a subordinate with knowledge of the case and the requisite security clearances and trustworthiness. The subcommittee believes it likely that at least some of the information could have been used in some manner and in some degree by law enforcement personnel without compromising the sources. The attorney general did not have knowledge of the facts which had been developed in the investigation and should have been consulted with someone who did before making his decision. A judgment as to the usefulness of the intelligence information, and whether it could have been used without jeopardizing sources and methods, could have been best made by or in consultation with a person who knew the facts thus far developed in the investigation, and with the assistance of an intelligence expert.

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